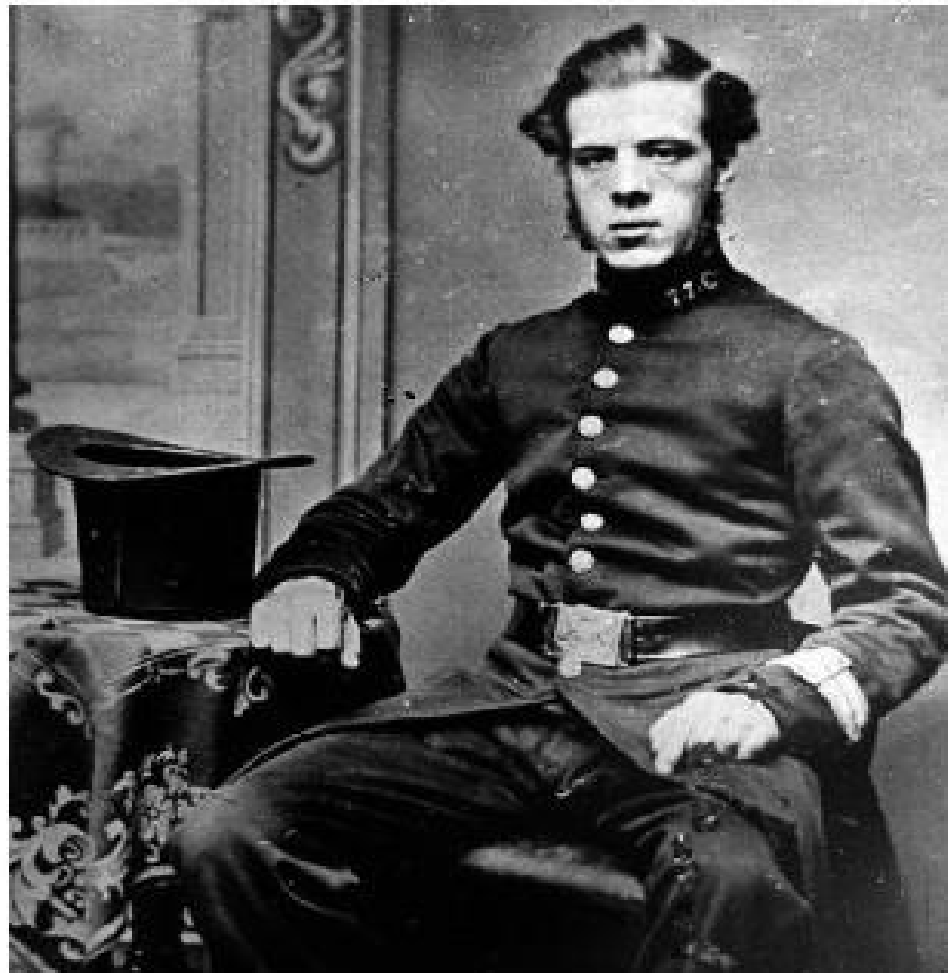


The police: the case against

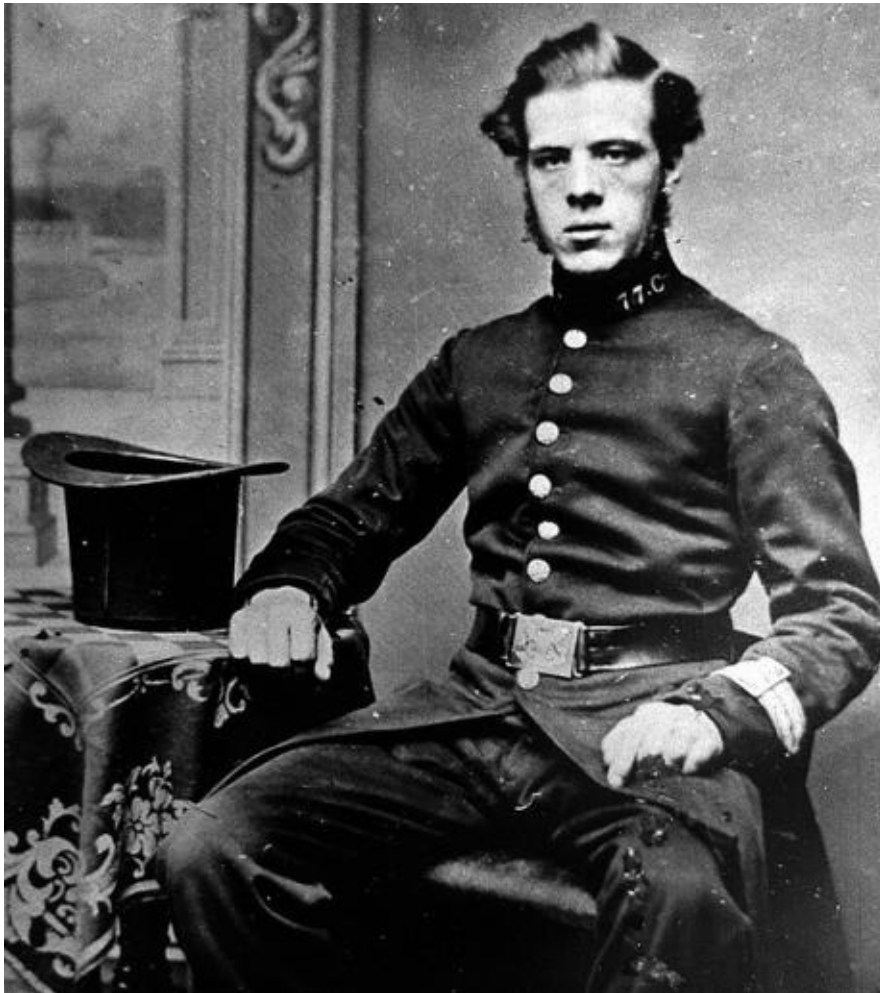


There is a commonly held assumption that the police are a necessary presence in a civilised society, one that ensures the preservation of social order. And yet this assumption is deeply ideological, blurring the distinction between the act of policing with the existence of an institutional police force. [Police life](#) queries the supposed necessity of the police, asking how they gain their legitimacy and whether this is deserved.

This article will also consider how such legitimacy fluctuates according to the political, social, and economic context, both by looking at historical examples of police (de)politicisation (within the UK), and upon the situation under the coalition government and austerity measures. The majority of information regarding police history and theory, and the accompanying statistics, is taken from *The Politics of the Police* by Robert Reiner.

While anthropologists have found policing to be a common feature of all societies, studies have shown that the founding of a police force only occurs in conjunction with the development of class and monetary systems (Reiner, 3-7). The establishment of an institutional police service is thus a manifestation of an ascending dominant class securing their interests against those inhabiting a society's lower strata. What Adam Smith says of 'laws and government' is thus equally true of the police force:

"Laws and government may be considered in this and indeed in every case as a combination of the rich to oppress the poor, and preserve to themselves the inequality of the goods which



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"Laws and government may be considered in this and indeed in every case as a combination of the rich to oppress the poor, and preserve to themselves the inequality of the goods which

would otherwise be soon destroyed by the attacks of the poor, who if not hindered by the government would soon reduce the others to an equality with themselves by open violence."

This political role of the police was well recognised by the working classes of the UK, with their formation met with much hostility. Indeed much of what is quintessential to the 'British bobby' was in fact carefully constructed in an attempt to depoliticise the service – thus the British police were set up as unarmed, low key and legalistic, authorised only to use minimal force and to stand accountable under the same laws as the general public. Despite this, the deaths of the first two police officers killed on duty were ruled 'justifiable homicide' by juries.

The police were also to be non-partisan, and, most importantly, they were to fulfil a social function, i.e. crime prevention and detection, and it is this role that allows the obscuring of their mandate for repression.

However, the legitimacy achieved by these policies would not have been successful was it not for the circumstances of the time. The gradual incorporation of the working classes into the social, economic and political institutions meant the majority of citizens were able to share in economic growth (though unevenly and not completely); thus the societal structure that ensured opposition to the police was ameliorated just enough to facilitate their acceptance (Reiner, 77).

Let us now look in more detail at these legitimising practises of the police, and consider the extent to which they have changed over time, the level of their

success, and the effect social unrest has upon the public's acceptance of the institution.

Minimal Force

The initial opposition to the police necessitated a softly-softly approach in order to gain acceptance; unarmed was sold as non-repressive. While police were given truncheons, they were at first to carry them concealed, and were very much restricted to use as a last resort –

even then their use was closely scrutinised and, if found to be unnecessary, likely to end with the police officer's dismissal. This model of policing, with its strict regulations on force, does not however demonstrate a lack of state oppression: during this time the army were available as back up, and were regularly deployed against civilians in the late 19th and early 20th century. As the police gained acceptance, the use of the army was scaled back – and police use of force was gradually scaled up, now with apparent legitimacy (Reiner, 72-73).

Of course the fact that the police were, right from their beginnings, permitted only to use minimal force does not account for those who broke these rules. While accountability will be discussed next, it is important to note that incidents of complaints against the police have never been accurately recorded.

From the 1960s onwards the British Police began to militarise. Special units were formed in order to deal with public order and terrorism (the state's linking of the two already evident), developing paramilitary tactics and formations, and trained in the use of weapons. In the 1970s Police Support Units were founded; whereas these specially trained officers were used in day-to-day policing they could now be called upon to deal with crowds, specifically strikes and demonstrations, and thus purposely formed to be used against the working classes in their struggles against bosses and the state. Police dressed in riot gear became a common sight during the unrest of the 1970s and 1980s (prior to 1977, police at the Notting Hill Carnival used bin lids as makeshift shields), and police tactics proved to be far more than that of minimal force: cars, driven at speed, were used to disperse crowds, and CS gas was used for the first time on mainland Britain. Prime Minister Thatcher also gave government support for the police to use plastic bullets and water cannon, should Chief Constables deem them necessary (Reiner, 85-86) The potential for such tactics to damage the legitimacy of the



police was recognised by the more liberal chief constables, with one stating: 'There has to be a better way than blind repression' (Reiner, 86).

While day-to-day policing in Britain remains unarmed save for the truncheon and CS spray, police access to and use of firearms (and other weaponry) has risen dramatically. Each force has an armed response unit, tasers are now used with increasingly frequency, and the presence of Police Support Units is a common sight at any public event (Reiner, 87-88).

The rise of middle class protesters in the 1990s, predominantly around single-issue causes such as animal rights, anti-roads and the free party/rave scene, increased problems of police legitimacy, as lines were drawn between the police and those from their traditional support base (Reiner, 87). This has continued to be problematic in recent years. In 2011 nationwide protests against student fees, and UK Uncut's actions against tax avoidance, have been met with hard-line policing, and the police have faced much criticism from the liberal press and demo participants who would otherwise support the police role. The increased militarisation of the police undermines the assertion of a non-oppressive, civil force – the facade of social function falling away to many of those on the receiving end of public order policing, revealing the repressive state body beneath.

Accountability

The original emphasis on police accountability helped ensure that officers were perceived to be subject to the same legal scrutiny as other citizens. The necessity

for the institution to obscure its coercive role meant that initially the police were not only held accountable, but actually done so to the detriment of their ability to perform much of their mandated functions.

By the mid-19th century however this had changed significantly, with police evidence heavily relied upon and accusations against them readily dismissed (Reiner, 72).

In 2008, over one hundred lawyers, employed by an advisory body to the IPCC to handle complaints, resigned, citing the IPCC's failure to handle complaints effectively and, most notably, the IPCC's "pattern of favouritism towards the police with some complaints being rejected in spite of apparently powerful evidence in their support". In 2009, even The Economist opined that "the IPCC is at best overworked and at worst does not deserve the "I"

in its name."

Last year Smiley Culture died of a single stab wound to the heart when police raided his home. The police claimed, and the IPCC accepted, that this wound was self-inflicted. All four of the officers present at the house were treated as witnesses rather than suspects, meaning none were formally interviewed – this includes the officer who witnessed the incident and



who refused to give a formal interview. It is difficult to imagine a scenario in which any other citizen, witness to a violent death, would be spared the

formality of a police interview, indeed who would not be considered a suspect at least until s/he could be eliminated from enquiries.

Though the coroner gave evidence stating that such a wound would result in death within a few minutes, Smiley Culture was handcuffed, the police say after sustaining the wound. Why such restraints were necessary has not been answered.

The case of Smiley Culture is far from unique. Civilians dying in controversial circumstances at the hands of, or in the presence of police, is a common occurrence. Jean Charles de Menezes; Ian Tomlinson; Mark Duggan – these are only the most prominent of cases, given extra significance within the press due to the extraordinary circumstances that surrounded their deaths.

Between 1998 and 2010 there were 333 deaths in police custody; not one police officer has been convicted. Interestingly the IPCC have raised this issue, arguing that juries are reluctant to convict police officers. While this may be the case it is evident that the IPCC have a habit of sweeping complaints, misconduct, and potentially police criminality, beneath the carpet, ensuring they never reach court.

At the founding of the police service accountability was not simply considered in legalistic terms, the police were also expected (hypothetically if not in practise), as ‘civilians in uniform’, to be held answerable by their communities. Towards this principle, there was much recruitment among the working classes and promotion granted on merit; indeed since the Second World War, the majority of Chief Constables have been from working class backgrounds and entered the service as PCs (Reiner, 74-75). Such recruitment assists in obscuring the repressive role of the police, aspirant members of the working class may view the police force as a route to a professional and secure career, and the presence of relations and friends within the service is likely to increase trust in the institution as a whole.

Legitimacy that has been gained by accountability through association is apparent in the idea of the police as ‘workers in uniform’, as espoused by the Socialist Party. It is also evident in the Occupy Movement of the last year where, despite many arrests, police brutality and no suggestion that the police share their aims or are on their side, individuals within the movement have repeatedly expressed that ‘the police are the 99% too’.

Such belief in the police as part of the community is perhaps now a bigger force for legitimacy than accountability before the law. With stories of police brutality and hard line

tactics almost ever present during a time of austerity, a person's link to an individual police officer may grant greater credibility to the police than is warranted by reports of their behaviour. In much the same way that citizens may 'support the soldiers not the war', many of the working classes, many of those suffering because of a state protected by the police, are granting credibility to a whole institution based on maybe only a minor personal relationship

– the level of accountability to the community is miniscule, but it may just be enough to grant institutional legitimacy at a time when the behaviour of the institution is overtly oppressive.

Non-partisan

It is important to note that this oppressive behaviour of the police is not related to the incumbent government, but is inherent in the very foundations of the service. At the establishment of the force the police were formed as a non-partisan institution, once again in an attempt to gain acceptance from the working class (Reiner, 74). At the time of the founding of the police this would have had more relevance than it does now, with each party notionally aligned with the interests of a particular class. Yet though the police may not be partisan to any political party, the extent that this helps their legitimacy is highly dubious. It is not the police support of the Tories or of Labour, or any other political party that is of relevance, but of their support for the state that all of these parties seek to uphold. Not being party-politically partisan is irrelevant – the police support the incumbent government, every government supports the interests of the ruling class. The police can never be politically neutral. And this becomes immediately apparent whenever class conflicts flare up.

The pro-state establishment credentials of the police hardly need describing, yet it is perhaps worth noting how the Commissioner and Deputy Commissioner of the Met are appointed by the Queen, on the recommendation of the Home Secretary, and knighted, firmly making them part of the ruling class, not simply employed to be on their side. The role of the Commissioner and his Deputy is also worth mentioning – they are the key individuals responsible for counter-terrorism and threats to public order, with the potential for the line between them

to blur.

In the 1980s the police became more explicitly political, campaigning for more funding for law and order, and against the liberalisation of penal and social policy. Criticism of this political campaign was rejected by the Police Federation, justifying their stance with the question, “What is ‘political’ about crime?”(Reiner, 89). The campaign was met with Conservative party support, establishing themselves as ‘the party of law and order’. Labour, wary of appearing ‘soft on crime’ by comparison, supported Conservative policy that itself was dictated by the Police Federation’s campaign (Reiner 89-90). Such a question is then, at best, disingenuous. The police actively support political policies that strengthen the ruling class against the rest of the population; the Conservatives just happened to be the Government to implement them. In the past two decades, incarceration rates have soared; 60% of those imprisoned are functionally illiterate and/or innumerate, they are also more likely to be homeless, and more likely to be unemployed (and to be so in the long-term). Of petty offenders who have homes, one-third lose them whilst in custody. Two thirds lose their jobs. 95% of those imprisoned are male, and two fifths lose contact with their families. Any suggestion that such figures are not political, that the campaign for more stringent penal and social policy has not had a disproportionate affect on those most socially and economically vulnerable, is a deceitful distortion of reality.



Aside from the socio-economic breakdown of crime and punishment, the

definitions of what constitutes a crime (or as unlawful) are also political in nature. So a protest is unlawful if the organisers do not give six days written notice, and it must adhere to restrictions on its time and route. The police may ban or restrict a protest if it poses the potential for “serious public disorder, serious criminal damage or serious disruption” (Public Order Act 1986, Sections 11-14). By increasing the associations of protest with criminality the state can act against its detractors with apparently legitimate force. Hence in the past year the Occupy camps have been frequently associated with crime and disorder, student protests have been said to have been infiltrated by “hardcore activists and street gangs”, and the Met have aligned anarchism with terrorism. Trade Unions have also been warned that should they use their right to strike, they may face more stringent laws to prevent them from doing so in future. The use of effective action quickly becomes defined as unlawful action when the state feels threatened.

Crime prevention and detection

By the mid 19th century the police were perceived by the middle and upper classes as an effective law and order service. While members of the working classes also called upon the police they did so with less regularity, the majority of their contact with them unsought and unwelcome. This did not begin to change until political, social and economic reforms gradually allowed many of the working classes to gain a stake in society. Proportionally however inequality has remained pretty much the same and, since the beginnings of neoliberal policies in the 1980s, has actually increased (Reiner, 77).

Still, the legitimacy of the police has been found to depend upon the perceived fair conduct of their work, ‘bad’ policing having a greater effect upon this perception than ‘good’. It is notable that police legitimacy is judged to be greater among those who have had no direct contact with them (not just as a suspect but also as a witness or victim); approval is therefore dependant on the citizens’ inexperience of the institution’s practises –for this reason legitimacy is generally perceived to be greater to those higher up the social ladder (Reiner, 69-70).

The effectiveness of the police in tackling crime is difficult to measure. Though statistics are available they are notoriously unreliable; they do not account for unreported crimes and are liable to be distorted in order to reflect a desired picture. However it is safe to assert that crime has risen greatly over the past 50 years, as has fear of crime, while faith in the ability of the police has declined

(Reiner, 93). The clear-up rate of crimes is, as of 2010, at 28%



(though again it must be noted that the figures are imprecise). For specific crimes the police's effectiveness in dealing with them varies hugely. For example, while murder cases are solved 92% of the time, for other violent crime the figure is a much lower 47%, and for burglary only 13%. The use of the word 'solve' is also problematic:

"If adequate information is provided to pinpoint the culprit fairly accurately, the crime will be resolved; if not, it is almost certain not to be" (Reiner, 153) The work of the detective as vaunted in television dramas is detached from reality; two thirds of "solved" crimes are in fact self-solvers, i.e. the culprit is either still at the scene or witnesses are able to name and/or provide a full and accurate description. In cases where the crime does not solve itself there are two main tactics of investigation, both of which rely on stigmatising vulnerable groups; the police may "round up the usual suspects" of regular offenders, or rely upon stereotypical notions of what perpetrators of particular offences may be like. A high number of arrests made by foot patrol units conform to the latter tactic, suspicion based upon stereotype (Reiner, 152). This may go some way to explain why stop and searches are disproportionately carried out against ethnic minorities, with black people seven times more likely to be stopped than white people; institutional racism continues to be endemic. It must be recognised that neither of these tactics of investigation are effective, with the majority of cases remaining unsolved. Cases that do not present with likely leads are regularly dropped (Reiner, 152-3).

The main social function of the police then seems almost administrative in form; while particular specialists may be required to gather forensics, the majority of an officer's work appears to be processing self-evident information. The primary justification for a police force is thus effectively made obsolete; the assumption that a civilised society needs a police force is shown to be motivated by ideology, a facade created to conceal a state's coercive power.

Conclusion

The depression of the 1930s saw public order become a key issue, with much criticism levied at the police for their brutal suppression of the National Unemployment Workers' Movement marches (Reiner, 75). Then, like now, the economic situation resulted in a renewed awareness of the political nature of the police. While the state continues to feed us the line that we need the police, that the police are impartial, people are becoming aware that they are not on our side. When the police call for water cannon to be used against protesters, when they threaten to deploy rubber bullets, they do so to defend a status quo, a status quo that protects the interests of the ruling class against the mass interest of the people. However the

exposure of the police as political actors damages them; when coercion supersedes consent state legitimacy begins to fall.

In the past year coercive policing has been exacerbated by the courts, with individuals convicted following protests and riots receiving significantly harsher sentences than the same offences would usually warrant. The repression of dissent is thus at the heart of the justice system, the appeal for 'social order' used to assist in securing the interests of the state and its ruling class.

Historically the police have been successful in allaying the fears of the working classes by following the legitimating policies and practises as described above (Reiner, 70-75).

However once such acceptance was achieved the necessity to continue in this vein waned, and in times of social unrest the political nature of the police becomes increasingly apparent.

While the social role of crime prevention and detection continues to be the principal justification for a police force, the evidence does not bear this out. As the socio-economic circumstances continue to deteriorate in 2012, more people

will gain direct experiences of the coercive role of the police, experiences that may serve to delegitimize both their existence and that of the state they seek to protect.

Sources

Robert Reiner *The Politics of the Police*